

ARIZONA CORPORATION COMMISSION

APPLICATION FOR APPROVAL OF THE SALE OF ASSETS AND/OR FOR CANCELLATION OF THE CERTIFICATE OF CONVENIENCE AND NECESSITY

WATER AND/OR SEWER

General Information:

The attached forms have been prepared by the Utilities Division of the Arizona Corporation Commission to assist Applicants filing an application for approval of the sale of assets and/or for the cancellation of the Certificate of Convenience and Necessity. The information required on this application corresponds with Arizona Revised Statutes Section 40-285 and the Arizona Administrative Code R14-2-402.B.

Use of this application is suggested unless a formal pleading format is used by an attorney. The information requested in this application must be included within the pleading.

Attachment "A" is a sample letter of transmittal addressed to the Utilities Division Docket Control Center. Please add information to the letter indicating the purpose and reasons for the application. This format should be used unless you are using a Company letterhead. Place this letter at the beginning of the application. Keep this instruction sheet for your information. Do not attach it to the application.

Instructions

1. Complete all pages accurately and attach all required documents. This will expedite the processing of the application.
2. Complete all the items that apply to your utility. If an item requested does not apply, mark it "not applicable" (N/A). If you do not accurately complete an item, the processing of your application could be delayed.
3. If the space provided is insufficient, put the information on a separate sheet of paper and label it clearly.
4. If an item is to be filed at a later date, mark the item "to be late filed by" and give the date by which it will be filed.
5. Have the application notarized.

6. Submit an original and ten copies of this application.
7. Noticing: Attachment "B" is a form of public notification that must be provided the customers. Notice of the application should be provided to all customers with the next bill or by separate mailing **and** by publication at least once in a newspaper of general circulation in the service area within 15 days after the application is filed. Proof of notice should be filed with the Commission within 10 days after notice was mailed or published. A hearing will be held unless all parties agree to waive the hearing and no objections to approval of the application have been made by the public.

Filing

When you have completed the application, mail or deliver it to:

Docket Control Center
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

ARIZONA CORPORATION COMMISSION

**APPLICATION FOR APPROVAL OF THE SALE OF ASSETS AND/OR
FOR CANCELLATION OF THE CERTIFICATE OF CONVENIENCE
AND NECESSITY**

WATER AND/OR SEWER

A. The name, address and telephone number of the Applicant is:

B. If doing business under a name other than the Applicant name, specify

C. The Applicant is a:

<input type="checkbox"/> Corporation: <input type="checkbox"/> "C", <input type="checkbox"/> "S", <input type="checkbox"/> Non-Profit <input type="checkbox"/> Arizona, <input type="checkbox"/> Foreign	<input type="checkbox"/> Partnership <input type="checkbox"/> Limited, <input type="checkbox"/> General <input type="checkbox"/> Arizona, <input type="checkbox"/> Foreign
<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Limited Liability Company (LLC)
<input type="checkbox"/> Other (Specify)	

D. List the name, address and telephone number of the attorney for the applicant:

E. List the name, address and telephone number of the management contact:

F. The name, address and telephone number of the Purchaser is:

G. List the name and telephone number of the purchaser's representative.

H. The Purchaser is a:

____ Municipality ____ Improvement District ____ Other _____

I. The purpose for the sale and/or cancellation is due to:

____ Negotiated Sale of Asset ____ Condemnation ____ Other

J. Provide a copy of the following documents:

1. Sales or purchase agreement
2. Court order (if condemnation)
3. Corporate Resolution authorizing the liquidation of the assets, if required by the Articles of Incorporation

K. Have all customer security deposits been refunded? Yes ___ No ___. If no, mark the block below that describes the proposed disposition of security deposits.

___ All security deposits will be refunded prior to or at time of closing.

___ All security deposits will be transferred to the Purchaser for refund pursuant its terms and conditions.

___ Other (explain).

L. Are there any refunds due on Main Extension Agreements? Yes ___ No ___. If Yes, mark the block below which describes the proposed disposition of the refunds.

___ Applicant will continue to refund after the transfer. (Explain method of refunding)

___ Purchaser will assume the refunding obligations in accordance with the terms of the main extension agreement.

___ Applicant will make a full refund will be made at closing.

___ Other (explain).

M. (WATER ONLY) Are there any refunds due on meter and service line installations?

Yes ___ No ___ If Yes, mark the block below which describes the proposed disposition of refunds.

___ Applicant will continue to refund after the transfer pursuant to Commission Rules.

___ Purchaser will assume the refunding obligations in accordance with Commission Rules.

___ Applicant will make a full refund at closing.

___ Other (explain).

DATED the ___ day of _____, 20__

(Signature of Authorized Representative of Applicant)

(Type or Print Name Here)

(Title)

SUBSCRIBED AND SWORN to before me on this ___ day of _____, 20__

NOTARY PUBLIC

My Commission Expires _____

ATTACHMENT "A"

EXAMPLE ONLY

(Company Name)

(Mailing Address)

(City or Town and Zip Code)

(Date)

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, Arizona

Attached is an application by (Name of Company) for (indicate the type of application this is for).
The purpose of this application is to (Explain the purpose for and reasons behind the application).

(Type Name Here and Sign)

ATTACHMENT "B"

**PUBLIC NOTICE OF AN APPLICATION FOR THE SALE OF ASSETS
AND THE CANCELLATION OF THE CERTIFICATE OF CONVENIENCE
AND NECESSITY BY**

[name of Company]

[Name of Company] has filed with the Arizona Corporation Commission ("Commission") an application for authority to sell its assets and cancel its Certificate of Convenience and Necessity to provide [specific type of service] service. [Name of Company service] system has been [sold/condemned] by [name of Purchaser]. If the application is granted, [name of Purchaser] would be the exclusive provider of [type of service] service to your area and will establish its own rates and charges.

If you have any claims against [name of Company], including claims for refunds of security deposits, service line and meter installations (Water Only) or main extension agreements and you have not already been contacted by the Company, you must present your claim to [name of Company] on or before [insert date no sooner than 20 days from date of publication or mailing, whichever is later]. Direct your claim(s) to [name, address and telephone number of Company].

Approval of the application may be given without a hearing. If you have any questions or concerns about this application, have any objections to its approval or would like to request information on intervention in the proceeding, you may contact the Consumer Services Section of the Commission at [1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000/400 West Congress, North Building, Room 218, Tucson, Arizona 85701 or call 1-800-535-0148].